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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,537	11/30/2001	Huy P. Nguyen	PALM-3777	9991

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EXAMINER

ANYASO, UCHENDU O

ART UNIT PAPER NUMBER

2675

DATE MAILED: 12/18/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,537

Applicant(s)

NGUYEN ET AL.

Examiner

Uchendu O Anyaso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-21 and 23-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-21 and 23-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. **Claims 1-17, 19-21 and 23-35** are pending in this action.

Claim Rejections - 35 USC ' 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3, 5-9 and 11-22** are rejected under 35 U.S.C. 102(b) as being anticipated by *Seager* (U.S. Patent 5,235,561).

Regarding **independent claim 1**, and for **claims 7 and 16**, Seager teaches an invention that relates to a wristwatch that can be converted temporarily to a form suitable for use as a handheld radiotelephone (column 1, lines 5-9).

Furthermore, Seager teaches how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40).

Furthermore, Seager teaches a first keypad slider in the form of body member 20a comprising a keypad in the form of telephone control buttons 42 (column 2, lines 7-68, figure 1-4 at 20a, 42).

Furthermore, Seager teaches a second keypad slider in the form of body member 20b wherein the body member 20b comprises a keypad in the form of telephone dialing buttons 44 (column 2, lines 7-68, figure 1-4 at 20b, 44).

Regarding **independent claims 17 and 19**, Seager teaches an invention that relates to a wristwatch that can be converted temporarily to a form suitable for use as a handheld radiotelephone (column 1, lines 5-9).

Furthermore, Seager teaches how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40).

Also, Seager teaches a data processing and transceiver modules by teaching dialing and control buttons, and radiotelephone communication device (*see* Abstract). It is inherent that such a radiotelephone communication device would include a wireless transmitter and wireless receiver in order to accomplish a radio or wireless communication.

Furthermore, Seager teaches a microphone slider 50 and a speaker slider 52 wherein the body members 20a and 20b on which the microphone slider 50 and speaker slider 52 are embedded comprise a keypad in the form of telephone dialing buttons 42, 44 (column 3, lines 10-22, figure 3, 4 at 20a, 20b, 42, 44, 50, 52).

Regarding **claim 3**, in further discussion of claim 1, Seager teaches a window in the keypad slider by teaching how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40).

Regarding **claims 5 and 15**, in further discussion of claim 1, Seager teaches dialing and control buttons within the device 10 (*see* Abstract).

Regarding **claim 6**, in further discussion of claim 1, Seager teaches how the keypad slider 20b is electrically coupled to the display 40 by a flexible connector (column 2, lines 54-68; column 3, lines 36-47, figures 3, 4 at 20a, 20b, 40).

Regarding **claims 8 and 20**, in further discussion of claim 1 and 17, Seager teaches a detent mechanism for enabling repeatable and stable extension of the handheld device (column 2, lines 54-68).

Regarding **claim 9**, in further discussion of claim 1, Seager teaches how the end closure housing (20b) would include a microphone 50 (figure 4 at 50).

Regarding **claim 11**, in further discussion of claim 1, Seager teaches how the handheld device would incorporate a speaker 52 (figure 4 at 52, column 3, lines 11-18).

Regarding **claim 12** in further discussion of claim 11, Seager teaches how the end closure housing (20b) would include a microphone 50 (figure 4 at 50).

Regarding **claims 13 and 14**, in further discussion of claim 1, Seager teaches a data processing and transceiver modules by teaching dialing and control buttons, and radiotelephone communication device (*see* Abstract). It is inherent that such a system would include a wireless transmitter and wireless receiver in order to accomplish a wireless communication.

Claim Rejections - 35 USC ' 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2, 10, and 23-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Seager* (U.S. Patent 5,235,561) in view of *Gray* (U.S. 5,440,629).

Regarding **claim 2** and **28**, in further discussion of claims 1 and 23, Seager teaches how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40). However, Seager does not teach how the keypad sliders are configurable to fully cover a display surface. On the other hand, Gray teaches a first keypad slider 48 and a second keypad slider 50 in the form of end enclosures that are adaptable to fully cover the display surface 14 (column 5, lines 47-51, figure 2 at 48, 50).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Seager and Gray's inventions because while Seager teaches how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40), Gray teaches a first keypad slider 48 and a second keypad slider 50 in the form of end enclosures that are adaptable to fully cover the display surface 14 (figure 1, 2 at 14, 48, 50). The motivation for combining these inventions would have been to protect the display device from contamination by dust and other debris.

Regarding **claim 10**, in further discussion of claim 9, Seager does not teach a voice recognition processor. On the other hand, Gray teaches how voice recognition would be incorporated into the system (column 8, lines 29-35, figure 11 at 152, 160, 162).

Thus, it would have been obvious to a person ordinary skill in the art to combine Seager and Gray's inventions because while a Seager teaches a microphone slider 50 and a speaker slider 52, Gray teaches how voice recognition would be incorporated into the system (column 8, lines 29-35, figure 11 at 152, 160, 162). The motivation for combining these inventions would have been to facilitate a robust and efficient communication by a user of the radiotelephone.

Regarding **independent claim 23**, and for **claim 35**, Seager teaches an invention that relates to a wristwatch that can be converted temporarily to a form suitable for use as a handheld radiotelephone (column 1, lines 5-9).

Also, Seager teaches a data processing by teaching dialing and control buttons (*see* Abstract).

Furthermore, Seager teaches a first keypad slider in the form of body member 20a comprising a keypad in the form of telephone control buttons 42 (column 2, lines 7-68, figure 1-4 at 20a, 42).

Furthermore, Seager teaches a second keypad slider in the form of body member 20b wherein the body member 20b comprises a keypad in the form of telephone dialing buttons 44 (column 2, lines 7-68, figure 1-4 at 20b, 44).

However, Seager does not teach how the keypad sliders are configurable to fully cover a data processing unit when closed. On the other hand, Gray teaches a first keypad slider 48 and a

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second keypad slider 50 in the form of end enclosures that are adaptable to fully cover the data processing unit that are represented by the keypad 22 (figures 1, 2).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Seager and Gray's inventions because while Seager teaches a first and second keypad sliders each comprising a keypad, Gray teaches how such keypad sliders would be adapted to protect the data processing unit when closed (figure 1, 2 at 14, 48, 50). The motivation for combining these inventions would have been to protect the data processing unit from contamination by dust and other debris.

Regarding **claim 24**, in further discussion of claim 23, Seager teaches a window in the keypad slider by teaching how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40).

Regarding **claim 25**, in further discussion of claim 24, Seager does not teach a window within a second keypad slider. On the other hand, Seager teaches a window in the keypad slider by teaching how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40).

Thus, it would have obvious to a person of ordinary skill in the art to learn from the design methodology of the first keypad slider in order to include a display in the second display slider. The motivation for doing so would have been to display multiple features on the second display.

Regarding **claim 26**, in further discussion of claim 23, Seager teaches dialing and control buttons within the device 10 (*see* Abstract).

Regarding **claim 27**, in further discussion of claim 23, Seager teaches how the keypad slider 20b is electrically coupled to the display 40 by a flexible connector (column 2, lines 54-68; column 3, lines 36-47, figures 3, 4 at 20a, 20b, 40).

Regarding **claim 29**, in further discussion of claim 23, Seager teaches a detent mechanism for enabling repeatable and stable extension of the handheld device (column 2, lines 54-68).

Regarding **claim 30**, in further discussion of claims 23, Seager teaches how the end closure housing (20b) would include a microphone 50 (figure 4 at 50).

Regarding **claim 31**, in further discussion of claim 23, Seager teaches how the handheld device would incorporate a speaker 52 (figure 4 at 52, column 3, lines 11-18).

Regarding **claim 32** in further discussion of claim 31, Seager teaches how the end closure housing (20b) would include a microphone 50 (figure 4 at 50).

Regarding **claims 33 and 34**, in further discussion of claim 23, Seager teaches a data processing and transceiver modules by teaching dialing and control buttons, and radiotelephone

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communication device (*see* Abstract). It is inherent that such a system would include a wireless transmitter and wireless receiver in order to accomplish a wireless communication.

6. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Seager* (U.S. Patent 5,235,561)

Regarding **claims 4**, in further discussion of claims 1 and 23, Seager does not teach a window within a second keypad slider. On the other hand, Seager teaches a window in the keypad slider by teaching how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40).

Thus, it would have obvious to a person of ordinary skill in the art to learn from the design methodology of the first keypad slider in order to include a display in the second display slider. The motivation for doing so would have been to display multiple features on the second display.

7. **Claims 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Seager* (U.S. Patent 5,235,561) in view of *Blonder et al* (U.S. 5,381,387).

Regarding **independent claims 21**, Seager teaches an invention that relates to a wristwatch that can be converted temporarily to a form suitable for use as a handheld radiotelephone (column 1, lines 5-9) comprising a microphone slider 50 (column 3, lines 10-22, figure 3, 4 at 50).

Also, Seager teaches a data processing and transceiver modules by teaching dialing and control buttons, and radiotelephone communication device (*see* Abstract). It is inherent that such

a radiotelephone communication device would include a wireless transmitter and wireless receiver in order to accomplish a radio or wireless communication.

Furthermore, Seager teaches a microphone slider 50 and a speaker slider 52 wherein the body members 20a and 20b on which the microphone slider 50 and speaker slider 52 are embedded comprise a keypad in the form of telephone dialing buttons 42, 44 (column 3, lines 10-22, figure 3, 4 at 20a, 20b, 42, 44, 50, 52).

However, Seager does not teach a voice recognition processor. On the other hand, Blonder teaches this concept by teaching a portable radiotelephone (column 1, lines 5-6) wherein a means for initiating a telephone call would via a keypad or voice recognition device (column 2, lines 38-42, figures 1, 2).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Seager and Blonder because while Seager teaches a radiotelephone comprising a microphone slider 50 and a speaker slider 52 wherein the body members 20a and 20b on which the microphone slider 50 and speaker slider 52 are embedded comprise a keypad in the form of telephone dialing buttons 42, 44 (column 3, lines 10-22, figure 3, 4 at 20a, 20b, 42, 44, 50, 52), Blonder teaches a means for enabling a user to make a telephone by means of voice recognition. The motivation for combining these inventions would have been to design a more robust radiotelephone that provides a user to make a telephone call via a keypad or by voice recognition means.

Response to Arguments

8. Applicant's amendment and arguments filed via RCE on December 1, 2003 with respect to claims 1-17, 19-21 and 23-35 have been considered but are moot in view of the new ground(s) of rejection.

With respect to independent claim 1, applicant amended this claim, and argues that it overcomes Seager by including the feature of the keypad sliders and display module as three distinct elements that are slidably coupled. Examiner disagrees with applicant's arguments because claim 1's amendment and arguments still fail to overcome Seager. Specifically, Seager teaches how device 10 includes a display 40 (column 2, lines 13-14, figure 1 at 40), a first keypad slider in the form of body member 20a comprising a keypad in the form of telephone control buttons 42 (column 2, lines 7-68, figure 1-4 at 20a, 42), and a second keypad slider in the form of body member 20b wherein the body member 20b comprises a keypad in the form of telephone dialing buttons 44 (column 2, lines 7-68, figure 1-4 at 20b, 44). As such, Seager anticipates each and every element of claim 1.

With respect to claim 17, applicant amended this claim, and argues that Seager fails to teach or suggest sliders with a keypad on the front side and a microphone or speaker on the backside. However, Seager teaches a microphone slider 50 and a speaker slider 52 wherein the body members 20a and 20b on which the microphone slider 50 and speaker slider 52 are embedded comprise a keypad in the form of telephone dialing buttons 42, 44 (column 3, lines 10-22, figure 3, 4 at 20a, 20b, 42, 44, 50, 52). Seager embodiment as shown in figure 4 clearly anticipates claim 17.

With respect to claim 21, applicant argues that Seager does not anticipate the voice recognition processor. As such, Seager and Blonder have been combined because while Seager teaches a radiotelephone comprising a microphone slider 50 and a speaker slider 52 wherein the body members 20a and 20b on which the microphone slider 50 and speaker slider 52 are embedded comprise a keypad in the form of telephone dialing buttons 42, 44 (column 3, lines 10-22, figure 3, 4 at 20a, 20b, 42, 44, 50, 52), Blonder teaches a means for enabling a user to make a telephone by means of voice recognition. The motivation for combining these inventions would have been to design a more robust radiotelephone that provides a user to make a telephone call via a keypad or by voice recognition means.

Regarding claim 23, applicant argues that a sliding cover of any kind does not protect the data processing unit in Seager. As such, Seager and Gray have been combined because while Seager teaches a first and second keypad sliders each comprising a keypad, Gray teaches how such keypad sliders would be adapted to protect the data processing unit when closed (figure 1, 2 at 14, 48, 50). The motivation for combining these inventions would have been to protect the data processing unit from contamination by dust and other debris.

Applicant contends in the arguments presented in claim 2 that Gray teaches away from a keypad slider, and that there is nothing in Gray that suggests the need for protecting the display of Seager. Examiner disagrees. First, Seager is the reference that teaches a keypad slider. Second, Gray teaches a means for protecting a keypad via the end enclosures (48, 50). Thus, Gray was added to Seager to improve Seager, i.e., providing a means for protecting the keypad

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of Seager. Note that the combination is **not** Gray in view of Seager. If this were the case, then, applicant's argument of Gray teaching away from Seager may be persuasive. However, the motivation for combining Seager in view of Gray is to tap into the teachings of protecting portions of the chassis (such as the radiotelephone keypad sliders of Seager) from dust and other debris (*see* Gray at Abstract).

Regarding applicant's arguments in claims 2, 10 and 28, please see the arguments presented in claim 23.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).